

**BOARD OF MEDICAL LICENSURE AND DISCIPLINE
FULL BOARD
MINUTES OF MEETING**

12 January 2005

Open Session

Board Members in Attendance:

Patricia A. Nolan, M.D., MPH (Chair)

Henry Litchman, M.D.

Howard A. Hall, M.D.

Nancy Littell, M.D.

Noubar Kessimian M.D.

Stephen A. Fanning, III, D.O.

James Griffin, D.O.

Joseph DiPietro, Esq.

Nelia Infante

Walter E. Harper, Jr.

Dorothy Williams

Board Members Absent:

Robert Parrillo, Esq.

Margaret Coughlin

Guests:

Ray Rusin, Director of Facilities Regulation

Herb Constantine, MD, physician consultant to division of Facilities Regulation

Staff Members in Attendance:

Robert Crausman, MD, Chief Administrative Officer

Linda Julian, Investigator

Staff Members Absent:

Bruce W. McIntyre, Esq., Deputy Chief Legal Counsel

1. A quorum was established at 8:40AM.

2.

A. The minutes of the Open session of the 8 December, 2004 meeting were

Presented and on a motion by Dr. Litchman seconded by Dr. Kessimian were approved.

B. The minutes of the Licensing Committee were presented and on a motion by

Dr. Hall seconded by Mr. DiPietro they were accepted. In discussion note was made that one applicant was denied a medical license owing to a prior action and restrictions in place by the Massachusetts Board of Medical Licensure and Discipline.

3. Chief Administrative Officer's Report:

A. Nursing Home Medical Directors Update- Mr. Raymond Rusin and

Dr. Herb

Constantine reviewed the Germaine Morsilli Act, which is proposed before the State Legislature as a blueprint for developing a Bill around enhanced Nursing Home regulation.

Dr. Constantine discussed the provisions related to disclosure of medical directors actual contract, the medical director's role in the nursing home and the fact that medical directors as a group will not likely be happy with this as proposed. He also referenced the continuing work by CMS in this area.

Dr. Nolan discussed the additional definition of Unprofessional conduct which is being introduced as potential legislation regarding a physician's failure to perform competently in roles as medical director. This has already been the BMLD interpretation i.e. that medical director work is part of the practice of medicine.

Dr. Nolan discussed Dr. David Gifford's new role as incoming Health Director and his personal experience with Nursing Home practice and quality assessment.

Questions were raised regarding the specification of specific training and experience for medical directors.

Mr. Rusin then presented an update regarding his report to be delivered to the Lieutenant Governor's task force. He anticipates that

the State will have a definition of “substandard care” to supplement that currently in use which is the Federal Standard. The Federal Standard is a very high benchmark i.e. widespread problems are required. Even actual harm does not necessarily trigger according the Federal Standard.

In the month of December 6 Nursing Homes were surveyed . No citations of substandard care were found. A summary of ongoing State actions was reviewed. In addition Mr. Rusin pointed out that there are 2 facilities undergoing a direct plan of correction that will be included on future summaries.

There are no suspicions of deficiencies related to medical directors in any of these cases. Of note survey reports are now being provided to the medical director.

On a related note Board of Medical Licensure and Discipline Executive Committee Agendas will be provided to Mr. Rusin in advance of BMLD meetings and that either Mr. R sin or his designee will participate on behalf of the Office of Facilities Regulation on an as needed basis with regard to shared cases.

B. A request on behalf of Woonsocket Anesthesia Associates and Providence

Anesthesia Inc. to form a new medical services cooperation was reviewed and

on a motion by Mr. DiPietro and seconded by Dr. Fanning was

approved.

C. Dr. Crausman provided an update on the J-1 program and reviewed the changes in Federal Regulation that will allow hospitals and facilities that provide care for underserved populations but which are not actually located in an underserved census tract to compete for up to five J-1 Waiver positions through the Conrad Program.

D. The nursing Board reviewed the BMLD's request that they specifically address the issue of nurses completing informed consent with patients with regard to Aesthetic procedures. It is the conclusion of the Nursing Board through its Chief Administrative Officer that, yes, this is included in the scope of practice of a nurse for the purpose of procedures which they are allowed to do.

E. RIH's request that Fuad Riyad Said, MD be approved as an exchange resident in his program at Brown University under the new provisions in the regulations for limited licensure were presented. After discussion, this request was approved.

4. Old Business

There was no old business to discuss.

5. New Business

Dr. Litchman moved that the Board thank Dr. Nolan for her outstanding leadership

over the past decade. This motion was seconded by all in attendance.

6. Adjournment to Executive Session at 9:55AM.